

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-SEVENTH DAY — MONDAY, APRIL 3, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 116).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Combs; Conley; Cook; Corte; Counts; Crabb; Craddock; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Chisum; Oakley.

Absent — Alvarado; Clemons; Coleman.

The invocation was offered by Reverend James S. Hill, pastor, Carrollton Church of the Nazarene, Carrollton, as follows:

Almighty God Our Father, today we offer you praise as the "Giver of all life and liberty." We bring before you our offering of thankfulness, for you have allowed your face to shine upon us and you have granted to us many bountiful blessings. Therefore it is with all confidence and faith that we look to you for guidance and wisdom on behalf of our state officials. We ask that your mighty hand be upon them as they make the decisions that will chart a course of greatness for our state. May the actions they take be for the benefit of all citizens. May the stands made reflect compassion and concern, fairness and faithfulness for every man, woman, boy, and girl.

Grant to us now, Lord, your abiding presence and love. Continue to smile upon us as we labor together for you. Then last, but not least: God, Bless Texas!

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Chisum on motion of Swinford.

The following member was granted leave of absence for today because of illness:

Oakley on motion of Willis.

MESSAGE FROM THE SENATE

Austin, Texas, April 3, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

SB 1 by Ratliff, relating to a substantive revision of Titles 1 and 2, Education Code, governing public education; including conforming amendments, repeals, and penalties.

Respectfully,
Betty King
Secretary of the Senate

HR 423

HR 423, designating April 3, 1995, as Kaufman County Day, having been previously adopted, was read.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of a funeral:

Conley on motion of Rodriguez.

The following member was granted leave of absence temporarily for today because of illness in the family:

Clemons on motion of Johnson.

SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled bills and resolutions:

SB 290, SB 414, SCR 13, SCR 107

(Speaker pro tempore in the chair)

HR 392 - ADOPTED

Representative Walker moved to suspend all necessary rules to take up and consider at this time **HR 392**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Walker,

HR 392, Honoring South Plains College.

The resolution was read and was adopted without objection.

HR 524 - ADOPTED

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 524**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Goolsby and B. Hunter,

HR 524, Honoring Tom Gordon.

The resolution was read and was adopted without objection.

On motion of Speaker Laney, the names of all the members of the house were added to **HR 524** as signers thereof.

CAPITOL PHYSICIAN

The speaker pro tempore presented Dr. Ernesto Parra of San Antonio as the "Doctor for the Day."

The house welcomed Dr. Parra and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

SENATE BILLS ON FIRST READING

The following senate bills were today laid before the house, read first time, and referred to committees:

SB 121 to Committee on Juvenile Justice and Family Issues.

SB 204 to Committee on Judicial Affairs.

SB 349 to Committee on Criminal Jurisprudence.

SB 540 to Committee on County Affairs.

SB 579 to Committee on County Affairs.

SB 606 to Committee on Public Health.

SB 702 to Committee on Insurance.

SB 965 to Committee on Public Health.

(Coleman now present)

RESOLUTIONS REFERRED TO COMMITTEES

The following resolutions were laid before the house and referred to committees:

By Oliveira,

HCR 154, Requesting the Texas Department of Transportation to study potential alternative routes of access to South Padre Island.

To Committee on Transportation.

By Woolley,
HCR 155, Granting John R. Phenix & Associates, Inc., permission to sue the State of Texas and the University of Houston System.
To Committee on Civil Practices.

HOUSE BILLS ON FIRST READING

The following house bills were today laid before the house, read first time, and referred to committees:

By Munoz,
HB 3185, A bill to be entitled An Act relating to travel expenses paid by the Hidalgo County Drainage District No. 1.
To Committee on Natural Resources.

By Serna,
HB 3186, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the El Paso County Municipal Utility District No. 2.
To Committee on Natural Resources.

By Serna,
HB 3187, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the El Paso County Municipal Utility District No. 1.
To Committee on Natural Resources.

By Craddick,
HB 3188, A bill to be entitled An Act relating to the county courts at law in Midland County.
To Committee on Judicial Affairs.

By Puente, et al.,
HB 3189, A bill to be entitled An Act relating to the board of directors of the Edwards Aquifer Authority and the management of the Edwards Aquifer.
To Committee on Natural Resources.

By Yost,
HB 3190, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Travis County Municipal Utility District No. 3, Travis County Municipal Utility District No. 4, Travis County Municipal Utility District No. 5, Travis County Municipal Utility District No. 6, Travis County Municipal Utility District No. 7, Travis County Municipal Utility District No. 8, and Travis County Municipal Utility District No. 9.
To Committee on Natural Resources.

HR 526 - ADOPTED

Representative Alexander moved to suspend all necessary rules to take up and consider at this time **HR 526**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Alexander,

HR 526, Designating April 3, 1995, as Athens Day.

The resolution was read and was adopted without objection.

HB 3191 - PERMISSION TO INTRODUCE

Representative Price moved to suspend the constitutional rule for permission to introduce and have placed on first reading **HB 3191**.

A record vote was requested.

The motion prevailed by (Record 117): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Coleman; Combs; Cook; Corte; Counts; Crabb; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Ogden; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithe; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgenuth; Wolens; Woolley; Yarbrough; Yost.

Present, not voting — Mr. Speaker.

Absent, Excused — Chisum; Clemons; Conley; Oakley.

Absent — Alvarado; Craddick; Hochberg; Moreno; Oliveira; Zbranek.

(Alvarado now present)

SB 449 - REQUEST OF SENATE GRANTED

On motion of Representative Telford, the house granted the request of the senate for the appointment of a conference committee on **SB 449**.

SB 449 - APPOINTMENT OF CONFERENCE COMMITTEE

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 449**: Telford, chair, Rangel, Ogden, Marchant, and McCall.

SB 436 - REQUEST OF SENATE GRANTED

On motion of Representative Rangel, the house granted the request of the senate for the appointment of a conference committee on **SB 436**.

SB 436 - APPOINTMENT OF CONFERENCE COMMITTEE

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 436**: Rangel, chair, Berlanga, Smithee, Janek, and McDonald.

HR 525 - ADOPTED

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 525**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Pitts,

HR 525, Recognizing April 5, 1995, as Hillsboro Day at the State Capitol.

The resolution was adopted without objection.

HB 1341 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment,

HB 1341, A bill to be entitled An Act relating to the operation and funding of the Work and Family Policies Clearinghouse.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Van de Putte, Representative Stiles offered the following committee amendment to the bill:

Amend **HB 1341** as follows:

Delete subsection (g) on page 1, line 17.

(Speaker in the chair)

Amendment No. 1 was adopted without objection.

HB 1341, as amended, was passed to engrossment. (Cook, Corte, Heflin, Horn, Kubiak, Moffat, Ogden, Shields, Siebert, Solomons, Swinford, Talton, and Uher recorded voting no)

HB 276 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 276, A bill to be entitled An Act relating to the maximum flow requirement for a toilet installed in certain remodeled buildings.

The bill was read second time and was passed to engrossment. (Swinford recorded voting no)

HB 85 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 85**.

CSHB 85, A bill to be entitled An Act relating to the development of distance learning and related activities by institutions of higher education.

CSHB 85 was read second time.

Amendment No. 1

Representative T. Hunter offered the following amendment to **CSHB 85**:

Amend **CSHB 85** as follows:

1. On page 1, line 22, between the words "equipment" and "within", add ", its functions and capabilities".

2. On page 3, line 3, substitute "," for "and" between "centers" and "medical". Then add ", and centers created under Chapter 106, Health and Safety Code,"

3. On page 3, line 5, between "." and "The" add "The advisory committee shall include at least three faculty members who teach a distance learning course."

4. On page 3, lines 9 through 11, strike "the Central Education Agency, Department of Information Resources, or General Services Commission" and replace with "state agencies, public broadcasting stations, representatives of the local and long-distance telecommunications industries, and representatives providing distance learning equipment or services, including computer hardware and software."

Amendment No. 1 was adopted without objection.

CSHB 85, as amended, was passed to engrossment.

SB 821 ON SECOND READING
(Gallego - House Sponsor)

The speaker laid before the house, in lieu of **HB 2087**, on its second reading and passage to third reading,

SB 821, A bill to be entitled An Act relating to the imposition by certain counties of a sales and use tax dedicated to operating a landfill and a criminal detention center.

The bill was read second time.

(Clemons now present)

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Heflin, Representative Gallego offered the following committee amendment to the bill:

Amends **SB 821** as follows:

On page 2, insert the following at line 13

(d) That portion of the tax collected under this subsection necessary for the operation of the landfill and that portion necessary for the retirement of bonds for the construction of a criminal detention center shall be used for the above stated purposes. Any additional monies collected under this subchapter shall be used for ad valorem tax reduction.

(e) The portion of the tax dedicated to the retirement of the criminal

detention center bonds shall expire when the bonds are retired. The portion of the tax dedicated to the landfill operation shall expire when the land fill is sold or closed, whichever occurs first.

Amendment No. 1 was adopted without objection.

SB 821, as amended, was passed to third reading.

SB 821 ON THIRD READING
(Gallego - House Sponsor)

Representative Gallego moved to suspend the constitutional rule requiring bills to be read on three several days and to place **SB 821** on its third reading and final passage.

The motion prevailed by (Record 118): 137 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brimer; Carona; Carter; Clemons; Coleman; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yost; Zbranek.

Nays — Madden; Talton.

Present, not voting — Mr. Speaker(C); Hartnett.

Absent, Excused — Chisum; Conley; Oakley.

Absent — Alonzo; Brady; Place; Saunders; Thompson; Yarbrough.

STATEMENT OF VOTE

When Record No. 118 was taken, I was in the house but away from my desk. I would have voted yes.

Alonzo

The speaker then laid **SB 821** before the house on its third reading and final passage.

A record vote was requested.

The bill was read third time and was passed by (Record 119): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Clemons; Coleman; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chisum; Conley; Oakley.

Absent — Alonzo; Alvarado; Hernandez; Ogden; Thompson.

STATEMENT OF VOTE

When Record No. 119 was taken, I was in the house but away from my desk. I would have voted yes.

Alonzo

HB 2087 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gallego moved to lay **HB 2087** on the table subject to call.

The motion prevailed without objection.

HB 947 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 947**.

CSHB 947, A bill to be entitled An Act relating to loans secured by liens on agricultural-use or open-space land.

CSHB 947 was read second time and was passed to engrossment.

HB 223 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 223, A bill to be entitled An Act relating to missing children.

The bill was read second time and was passed to engrossment.

HB 981 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 981, A bill to be entitled An Act relating to the justification for the use of force as a defense in the prosecution of a criminal case.

The bill was read second time and was passed to engrossment. (Combs, Cook, Corte, Crabb, Culberson, Delisi, Finnell, Heflin, Horn, Kubiak, Reyna, and Swinford recorded voting no)

HB 1178 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 1178, A bill to be entitled An Act relating to authorizing municipalities to use the competitive sealed proposal procedure for certain purchases.

The bill was read second time.

Amendment No. 1

Representative Bailey offered the following amendment to the bill:

Amend **HB 1178** as follows:

(1) On page 1, between lines 22 and 23, add a (c) to read as follows:

(c) All municipalities authorizing expenditures under the competitive sealed proposal procedure shall establish a program designed to reasonably increase participation by minority and women-owned businesses in all contracts.

The terms "minority," "minority business," and "women-owned business" are defined as in Section 381.004, Local Government Code.

Amendment No. 1 failed of adoption. (Junell and Kubiak recorded voting no)

HB 1178 was passed to engrossment. (Cook, Delisi, Horn, Junell, Moffat, Reyna, Siebert, and Solomons recorded voting no)

RULES SUSPENDED

Representative Seidlits moved to suspend the 5-day posting rule to allow the Committee on State Affairs to consider **HB 2279**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Natural Resources, Subcommittee on **HB 1989**, 1:00 p.m. today, Room 106, Reagan Building (changed from E1.026, Capitol Extension), to consider **HB 1989**.

State Recreational Resources, on adjournment today, Desk 28, to consider **SB 97**.

Business and Industry, Subcommittee on **HB 946**, on adjournment today, Desk 143.

State Affairs, 4 p.m. Tuesday, April 4, Appropriations Committee room.

Licensing and Administrative Procedures, on adjournment today, Desk 66, to consider pending measures from the last public hearing.

ADJOURNMENT

Representative Berlanga moved that the house adjourn until 10 a.m. tomorrow in memory of Selena Quintanilla-Perez.

The motion prevailed without objection.

The house accordingly, at 11:06 a.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

Agriculture and Livestock - **HB 1463, HB 2108**

Business and Industry - **HB 1144, HB 1731**

Corrections - **HB 1695, HB 1696, HB 2278, SB 43**

Criminal Jurisprudence - **HB 941, HB 1393, HB 2727, SB 128, SB 222**

Economic Development - **HB 823, HB 2343, HB 2344, HB 3102**

Financial Institutions - **HB 1587, HB 2527, HB 2529, HB 2674**

Higher Education - **HB 495, HB 1146, HB 1337, HB 2811**

House Administration - **HB 2321, HCR 67, HCR 81, HCR 91, HCR 106, HR 201, HR 354, HR 409**

Human Services - **HB 1210, HB 1698, HB 1863**

Judicial Affairs - **HB 422, HJR 90**

Juvenile Justice and Family Issues - **HB 120, HB 330, HB 2998**

Natural Resources - **HB 2015, HB 2387**

Public Health - **HB 585, HB 897, HB 997, HB 1145, HB 1408, HB 1504, HB 1505, HB 1506, HB 1507, HB 1819, HB 3116, SB 323**

State Affairs - **SB 25**

State Recreational Resources - **SB 750**

State, Federal, and International Relations - **SB 627, HCR 2, HCR 30, HCR 44**

Urban Affairs - **HB 562, HB 943, HB 1115, HB 1743, HB 2062, HB 2183, HB 3157**

Ways and Means - **HB 2610, HB 2625, SB 821**

ENGROSSED

March 30 - **HB 44, HB 114, HB 172, HB 320, HB 335, HB 338, HB 356, HB 432, HB 457, HB 462, HB 596, HB 623, HB 722, HB 724, HB 750, HB 751, HB 795, HB 846, HB 921, HB 958, HB 1027, HB 1235, HB 1250,**

**HB 1264, HB 1294, HB 1298, HB 1304, HB 1336, HB 1434, HB 1465,
HB 1480, HB 1493, HB 1523, HB 1529, HB 1552, HB 1564, HB 1583,
HB 1611, HB 1664, HB 1737, HB 1897, HB 1907, HB 1968, HB 2028,
HB 2049, HB 2050, HB 2256, HB 3168, HCR 105**